

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GS HOLISTIC, LLC,

Plaintiff,

v.

JBI LLC, et al.,

Defendants.

CASE NO. C23-0396JLR

ORDER

Before the court is Plaintiff GS Holistic, LLC's ("GS Holistic") second motion for an extension of time to perfect service on Defendant Jaebum In. (Mot. (Dkt. # 12); *see* 6/15/23 Order (Dkt. # 11) (finding that GS Holistic had not demonstrated good cause for its failure to serve Jaebum In before the 90-day deadline set forth in Federal Rule of Civil Procedure 4(m) but nevertheless granting a 60-day extension of the service deadline).) The court GRANTS in part GS Holistic's motion.

Federal Rule of Civil Procedure 4 requires a plaintiff to serve the defendant with a

1 summons and a copy of the complaint and sets forth the specific requirements for doing
2 so. *See* Fed. R. Civ. P. 4. Rule 4(m), which provides the timeframe in which service
3 must be effectuated, states in relevant part:

4 If a defendant is not served within 90 days after the complaint is filed, the
5 court—on motion or on its own after notice to the plaintiff—must dismiss
6 the action without prejudice against that defendant or order that service be
7 made within a specified time. But if the plaintiff shows good cause for the
8 failure, the court must extend the time for service for an appropriate period.

7 *Id.*

8 GS Holistic filed this action on March 16, 2023. (Compl. (Dkt. # 1).) As a result,
9 Rule 4(m)’s 90-day deadline for effectuating service of process expired on June 14, 2023.
10 Fed. R. Civ. P. 4(m). On June 15, 2023, the court granted GS Holistic’s first motion for a
11 60-day extension of the deadline to serve Mr. In, despite finding that GS Holistic had not
12 demonstrated good cause for its failure to effectuate service before the Rule 4(m)
13 deadline. (6/15/23 Order at 2-3.) The court ordered GS Holistic to file proof of service
14 on Mr. In by no later than August 13, 2023, and warned GS Holistic that (1) failure to do
15 so could result in dismissal without prejudice of its claims against Mr. In and (2) further
16 extensions of the deadline to serve Mr. In would not be granted absent exceptional
17 circumstances. (*Id.* at 2-3.)

18 Despite the 60-day extension of the Rule 4(m) deadline, GS Holistic has not yet
19 served Mr. In. (*See* Mot.). GS Holistic represents that it attempted to serve Mr. In “at
20 different times” but was unsuccessful. (*Id.* ¶ 3.) It does not, however, provide a
21 declaration of non-service to substantiate this representation. (*See id.*) GS Holistic also
22 states that it performed a skip trace and found two new addresses for Mr. In. (*Id.* ¶¶ 5-6.)

1 GS Holistic further asserts that it provided the new addresses to its process server and
2 requested “nonstop attempts,” the manager of the process server “stated that they have to
3 hire a new process server since the one that was doing the job is on vacation.” (*Id.* ¶ 7.)
4 GS Holistic now asks the court to extend the Rule 4(m) deadline by an additional 60 days
5 to allow it to perfect service on Mr. In “either personally or by publication.” (*Id.* ¶ 8.)

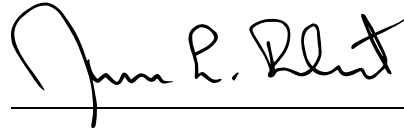
6 The court has reviewed the materials that GS Holistic filed in support of its second
7 motion for an extension of time to perfect service and concludes that GS Holistic has not
8 established exceptional circumstances, let alone good cause, that would justify a further
9 extension of time. (*See* 6/15/23 Order); Fed. R. Civ. P. 4(m). In particular, the court
10 notes that GS Holistic has not provided any substantiation of its efforts to serve Mr. In,
11 such as declarations of non-service. (*See generally* Mot.) GS Holistic also has not
12 substantiated when it performed the skip trace and when it asked its process server to
13 make “nonstop attempts” to serve Mr. In at the two new addresses. (*Id.*) This lack of
14 substantiation prevents the court from evaluating the efforts GS Holistic has made to
15 serve Defendants since the court issued its June 15, 2023 order. Nevertheless, the court
16 will GRANT in part GS Holistic’s motion (Dkt. # 10) and extend the deadline for GS
17 Holistic to perfect service on Mr. In for an additional **30** days. GS Holistic shall file
18 proof of service on Mr. In by no later than **September 12, 2023**. This order does not
19 grant GS Holistic leave to serve Mr. In by publication or by any other means. Failure to
20 timely file proof of service will result in the dismissal without prejudice of GS Holistic’s

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1 claims against Mr. In. No further extensions of the deadline to serve Mr. In will be
2 granted.

3 Dated this 21st day of August, 2023.

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6 JAMES L. ROBART
7 United States District Judge
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